UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

December 12, 2011

Keith Lannom, Forest Supervisor
Payette National Forest
800 West Lakeside Avenue
McCall, Idaho 83638

Re: Mill Creek – Council Mountain Landscape Restoration Project (EPA Project Number 10-038-AFS).

Dear Mr. Lannom:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced project on the Payette National Forest in Idaho. Our review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA).

The DEIS analyzes the four action alternatives designed to restore the forest landscape within the 51,957 acre Mill Creek – Council Mountain project area. Proposed treatments would include restoration thinning; small regeneration treatments; prescribed burning; watershed improvements; hazard reduction in the wildland urban interface (WUI); biomass removal; and trail improvements. The preferred alternative is Alternative 5, which focuses on improving watershed conditions for bull trout in the upper portion of the East Fork Weiser River through road decommissioning and rerouting.

The EPA is supportive of the proposed management direction in Alternative 5. We believe Alternative 5 is the environmentally preferable alternative because it would reduce road-related impacts to water quality in a high priority watershed. We also appreciate the cautious and thoughtful approach the Forest Service has taken with regard to the Council Mountain Inventoried Roadless Area in all of the action alternatives.

Our review identified two areas of concern that we recommend addressing in the Final EIS (FEIS). The first relates to direction in the EIS for riparian zones. The document is not consistent in terms of how management direction is characterized. This leads to some confusion as to where thinning will be focused. Also unclear is the potential acreage to be treated within the riparian zone, and the desired state of those stands post-treatment. The document discusses desired upland stand characteristics post-treatment, but does not do the same for riparian stands. This is of particular importance given the downstream temperature impairment of the Weiser River.

Our second concern relates to roads. There is variation in how the data are presented on roads and road impacts. Of particular concern is the information related to road reconstruction. Miles of road to be reconstructed varies throughout the document, and it is not clear whether the analysis took an adequately conservative approach when analyzing for potential impacts, including percent over natural sediment impacts. Each of these concerns is detailed in our attached comments.

Based on our review, we are rating the DEIS as EC-2 (Environmental Concerns – Insufficient Information). We appreciate the opportunity to review and comment on the DEIS, and I encourage you to contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Teresa Kubo of my staff at or (503) 326-2859 or by electronic mail at kubo.teresa@epa.gov with any questions about our comments.

Sincerely,

Eh Peterson for

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

U.S. Environmental Protection Agency
Review and Comments for the
Mill Creek – Council Mountain Landscape Restoration Project DEIS

Riparian Management

There appears to be some inconsistency within the DEIS with regard to management direction for riparian zones. Page 2-10 and Table 2-10 of the DEIS indicate that (on applicable stands) there would be harvest treatment "within the outer 120 feet of perennial streams and within the outer 90 feet of intermittent streams". On page 3-119 and in Appendix 6, however, it is stated that "no harvest would be allowed within a *minimum* of 30 feet of intermittent stream channels and 120 feet of perennial streams. From a review standpoint, it is unclear what is intended.

Recommendations:

- We recommend changing the wording on Page 2-10 and Table 2-10 to something that is more easily understood. Stating that there would be harvest "within the outer" 120 or 90 feet does not inherently make sense. Does this mean that harvest would be focused just inside the 120 or 90 foot buffer, or does this mean that harvest would be focused outside of the buffer? If the intent is to provide for harvest within 120 feet, that would seem to be inconsistent with the direction on page 3-119 and in Appendix 6.
- Similarly, it is unclear for intermittent streams whether the intent is to allow for thinning between 30 and 90 feet of the stream, or if the intent is to focus thinning outside of 90 feet.

We also note that while desired future conditions for upland stands (including canopy closure targets) are discussed within the DEIS, target conditions for riparian stands are not. The indicators selected to compare the effects of the various alternatives on soil, water, riparian and aquatic resources (SWRA) are road-centric. While valuable and easily measured, the road-based indicators do not capture potential impacts related to harvest. We would like to see a treatment-based indicator added to the indicators list (i.e. acres treated mechanically within the RCA). We also recommend inclusion of desired future conditions for riparian stands, a commitment to maintain effective stream shade, and a methodology for determining effective shade on a site specific basis prior to harvest. An example of a robust analysis of riparian impacts can be found in the Ogden Vegetation Management Project DEIS[1].

We raise these issues in light of the 2006 Weiser River Subbasin Temperature Total Maximum Daily Load[2]. That document presents loading analyses for the Weiser River as a whole and ten of its major tributaries, including the East Fork of the Weiser River. According to the TMDL, the East Fork is currently receiving an excess solar load and needs to achieve a 63% reduction in order to achieve loading capacity. We recognize that none of the other tributaries within the project area are included in the temperature TMDL. However, because water temperature in a segment of flowing water can be strongly influenced by the waters flowing into and mixing with it, we believe it is important to consider any potential source of heat loading within the watershed.

[1] http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/64828_FSPLT2_053598.pdf

[2] http://www.deq.idaho.gov/media/450157-weiser_river_addendum_entire.pdf

Recommendations:

- We recommend inclusion of a treatment-based indicator under section 1.9.1.3, such as acres treated mechanically within the RCA.
- We recommend inclusion of desired future conditions for riparian stands, a commitment to maintain effective stream shade, and a methodology for determining effective shade on a site specific basis prior to harvest. These could be included in Appendix 6.
- We recommend that a discussion of the Weiser River Temperature TMDL (and the role of the East Fork Weiser River within that TMDL) be included in the FEIS.

Roads

There is a lot of variation in how the data are presented on roads and road impacts. The numbers are split, or lumped depending on the table. This makes review confusing and difficult. For example, Table 2-7, under the "Transportation" heading, indicates that there would be 1 mile of new temporary road under Alternative 5. Under the SWRA heading of the same table, miles of temporary road construction and reconstruction total 12.3 miles. In contrast to both of these numbers, Table 3-47 includes a figure of 74.6 miles of road reconstruction. We recommend that the FEIS employ consistent terminology, and present the figures in a consistent way so as to facilitate review. We also recommend that you clarify the difference between the road reconstruction figures in table 2-7 and table 3-47. Finally, we request clarification on which of these figures were assumed when running the BOISED model. If 12.3 miles of reconstruction were assumed for the purposes of impact analysis, we recommend that you provide rationale for not using 74.6 miles. If warranted, we recommend that you reanalyze potential sediment effects.

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.